

EXHIBIT H

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF JEFFERSON

RICHARD CONVERSE, STEPHANIE
CONVERSE,
Plaintiffs,

v.

Case No.

STATE FARM FIRE AND CASUALTY
COMPANY,
Defendants.

5:21cv457

VIDEOCONFERENCE DEPOSITION OF
STEPHANIE CONVERSE

DATE: Tuesday, July 26, 2022

TIME: 10:02 a.m.

LOCATION: Remote Proceeding

17557 Brickstone Loop

Fort Myers, FL 33967

REPORTED BY: Jennifer Estevez, Notary Public

JOB NO.: 5341772

A P P E A R A N C E S

ON BEHALF OF PLAINTIFFS RICHARD CONVERSE, STEPHANIE
CONVERSE:

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ON BEHALF OF DEFENDANTS STATE FARM FIRE AND CASUALTY
COMPANY:

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I N D E X

EXAMINATION:

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By Mr. Welch

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S. CONVERSE

THE REPORTER: Good morning. My name is Jennifer Estevez; I am the reporter assigned by Veritext to take the record of this proceeding. We are now on the record at 10:02 a.m.

This is the deposition of Stephanie Converse taken in the matter of Richard Converse and Stephanie Converse vs. State Farm Fire & Casualty Company on July 26, 2022, at 17557 Brickstone Loop, Fort Myers, Florida 33967.

I am a notary authorized to take acknowledgments and administer oaths in New York. Parties agree that I will swear in the witness remotely.

Additionally, absent an objection on the record before the witness is sworn, all parties and the witness understand and agree that any certified transcript produced from the recording of this proceeding:

- is intended for all uses permitted under applicable procedural and evidentiary rules and laws in the same

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S. CONVERSE

manner as a deposition recorded by
stenographic means; and
- shall constitute written
stipulation of such.

At this time will everyone in
attendance please identify yourself for
the record, starting with Defendant's
counsel.

MR. WELCH: Counsel for State Farm
Firm & Casualty Company is Michael Welch,
and I agree to that stipulation.

MR. MCCARTHY: Attorney for Plaintiff
Stephanie Converse, the deponent, Ryan
McCarthy, and we also agree to that
stipulation.

MS. CONVERSE: Stephanie Converse,
and I also agree to that statement.

THE REPORTER: Okay. Thank you.
Hearing no objection, I will now swear in
the witness.

Please raise your right hand.

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1 S. CONVERSE

2 WHEREUPON,

3 STEPHANIE CONVERSE,
4 called as a witness, and having been first
5 duly sworn to tell the truth, the whole
6 truth and nothing but the truth, was
7 examined and testified as follows:

8 THE REPORTER: Okay. You may begin.

9 MR. WELCH: Okay. Thank you. Okay.

10 Good morning, Ryan.

11 EXAMINATION

12 BY MR. WELCH:

13 Q Good morning, Ms. Converse.

14 A Good morning.

15 Q My name is Michael Welch, and
16 I'm an attorney of Rivkin Radler. I
17 represent State Farm Fire & Casualty
18 Company in connection with the litigation
19 that you have brought, together with
20 Richard Converse, against State Farm. I'm
21 going to be asking you a series of
22 questions today. If you do not understand
23 my question, please let me know that.
24 I'll be happy to rephrase. Okay?

25 A Yes.

1 S. CONVERSE

2 Q Okay. If you answer the
3 question that I pose to you, the
4 assumption is going to be that you
5 understood it. So it's very important
6 that you do understand the question I'm
7 asking and ask me to rephrase if needed.
8 Okay?

9 A Yes.

10 Q All right. Also, we're going to
11 need a verbal response to my questions.
12 So no head nods, shoulder shrugs, that
13 kind of thing. Okay?

14 A Yes.

15 Q All right. And also, it's very
16 important, especially in this format where
17 everybody is remote, that oftentimes
18 you're going to know what my question is
19 to you before I finish it. I just ask
20 that you give me the courtesy of first
21 asking my question in full. And I will
22 give you the same courtesy of answering,
23 so we're not speaking over each other.
24 Okay?

25 A Yes.

1 S. CONVERSE

2 Q Okay. Also, Ms. Converse, I'm
3 not interested today in having you guess
4 or speculate with respect to the answer to
5 a question. If you do not know the answer
6 to a question, you can simply state that
7 you do not know. Okay?

8 A Yes.

9 Q All right. Also, if you need to
10 take a break at any time, that's perfectly
11 acceptable. The only condition being is
12 if I've asked you a question, I need you
13 to first answer the question on the
14 record, and then we can take a break.
15 Okay?

16 A Yes.

17 Q All right. Ms. Converse, have
18 you taken any medication today that would
19 affect your testimony or ability to
20 testify in this case?

21 A No.

22 Q Okay. And the address that you
23 gave on the record, the 1755 Brookstone
24 Loop, was that the address? Did I note
25 that correctly?

1 S. CONVERSE

2 A No.

3 Q Okay. What's the --

4 A It's --

5 Q Go ahead.

6 A 17557 Brickstone Loop.

7 Q Brickstone.

8 A Correct.

9 Q Okay. Thank you. And that's at
10 Fort Myers?

11 A Yes.

12 Q All right. Is that a apartment
13 or private house or something else?

14 A Townhouse.

15 Q Do you reside there with anyone?

16 A Yes.

17 Q Who do you live with?

18 A Michael Rogers and my son,
19 Keegan Rogers.

20 Q Okay. And prior to -- well, how
21 long have you lived at the Brickstone Loop
22 address?

23 A Since February 2020.

24 Q Okay. And prior to that time,
25 you lived at the 3910 Preserve Way

1 S. CONVERSE

2 address?

3 A Yes.

4 Q Okay. And what type of property
5 was that?

6 A Single family home.

7 Q Now, Ms. Converse, in connection
8 with your appearance today for your
9 deposition, did you review any documents?

10 A Yes.

11 Q What did you review?

12 A My EUO, the listings of my
13 house, and an itemized of what we are
14 looking to get from State Farm.

15 Q Okay. So when you say, "EUO,"
16 that would be the EUO transcript; correct?

17 A Yes.

18 Q Okay. And did you read it in
19 its entirety?

20 A No.

21 Q When did you read the transcript
22 prior to today?

23 A When I received it from Mura.

24 Q Okay. That would be from a Roy
25 Mura?

1 S. CONVERSE

2 A Yes.

3 Q Okay. So that would have been
4 over a year ago at least?

5 A Yes.

6 Q Okay. Have you read it more
7 recently in preparation for today?

8 A Yes.

9 Q Okay. When was the last time
10 you read the transcript?

11 A Last night.

12 Q Okay. And when you say you
13 reviewed the listings for the house, what
14 are you referring to?

15 A When the house was up for sale.

16 Q Okay. And the house we're
17 referring to, is that 442 Flower Avenue
18 East, Watertown, New York?

19 A Yes.

20 Q Okay. And the itemized list or
21 the -- withdrawn. You had testified that
22 there was also, like, some itemized list
23 of things you were looking to get from
24 State Farm. What was that?

25 A That should -- that was

1 S. CONVERSE

2 submitted to you between my attorney and
3 yourself.

4 Q Okay. So it was, like, an Excel
5 spreadsheet or something similar?

6 A Yes.

7 Q Okay. Okay. Aside from the EUO
8 transcript, the listings of the house, and
9 that itemization of damages, was there
10 anything else you reviewed in preparation
11 for your deposition?

12 A Your questions. Let me see.
13 What's it called? It was some of the
14 questions that you were going to ask about
15 the phone call between Julio and myself,
16 as well as the sheriff's questions.

17 Q Okay. Did you review a document
18 that was provided by State Farm as a
19 response to interrogatories? Would that
20 be what you're referring to?

21 A Yes.

22 Q Okay. Aside from that document,
23 Ms. Converse, did you review anything
24 else?

25 A No.

1 S. CONVERSE

2 Q Did you meet with your attorney?

3 A Yes.

4 Q Okay. How long did you meet
5 for?

6 MR. MCCARTHY: Objection.

7 MR. WELCH: I'm not asking --

8 MR. MCCARTHY: Yeah, it's privileged.

9 MR. WELCH: Not how long you met for.
10 What you discussed is privileged, not the
11 length of time you met.

12 MR. MCCARTHY: What's the difference?

13 MR. WELCH: I just want to know, how
14 long did you meet for?

15 MR. MCCARTHY: I don't think you're
16 entitled to know.

17 MR. WELCH: And what would be the
18 basis for that?

19 MR. MCCARTHY: Privilege. It's a ...

20 BY MR. WELCH:

21 Q When did you meet with Counsel
22 in preparation for your deposition?

23 MR. MCCARTHY: You can answer.

24 A Two weeks ago and this morning.

25 Q In preparation for your

1 S. CONVERSE

2 deposition, Ms. Converse -- well,
3 withdrawn. Are you aware whether or not
4 Richard Converse was deposed in this
5 matter?

6 A I don't understand the question.

7 Q Sure. Do you know that Richard
8 Converse was deposed in this case? He sat
9 for a deposition like you're doing today?

10 A Yes.

11 Q Okay. Did you speak with
12 Mr. Converse after his deposition?

13 A Yes.

14 Q Okay. Did you discuss with
15 Mr. Converse what questions were asked of
16 him during his deposition?

17 A Yes.

18 Q What did he say?

19 MR. MCCARTHY: I'll object to the
20 extent that there's attorney-client
21 privileged communication there. I mean,
22 even though those are two Plaintiffs,
23 we're all apart of the same case. And so
24 privileged communications that I told to
25 Richard that, you know, he said to

1 S. CONVERSE

2 Stephanie is still privileged, because
3 it's the common interest doctrine.

4 BY MR. WELCH:

5 Q Did you, Ms. Converse, have
6 separate conversations with Richard where
7 your counsel was not present or a party to
8 the conversation after Richard's
9 deposition?

10 MR. MCCARTHY: Same objection. That
11 still calls for privileged information.
12 Even if I wasn't there, there's a common
13 interest doctrine.

14 MR. WELCH: Ryan, the meeting is not
15 privileged. I can ask about the meeting.
16 I'm not asking about anything that was
17 discussed that may have been discussed
18 with Counsel. You got to just, like,
19 listen to the question I'm asking you.
20 It's about the meeting, not about the
21 conversation.

22 MR. MCCARTHY: Okay. Great.

23 Yeah, you can proceed and answer the
24 question if you can.

25 MR. WELCH: All right.

1 S. CONVERSE

2 BY MR. WELCH:

3 Q Do you need me to rephrase the
4 question, Ms. Converse?

5 A Yes.

6 Q Okay. Did you, Ms. Converse,
7 have a conversation with Richard after he
8 was deposed, where your attorney,
9 Mr. McCarthy, was not present for that
10 conversation?

11 A Yes.

12 Q Okay. Did Mr. Converse,
13 Richard, during that conversation with
14 you, discuss with you the questions that
15 were asked of him at his deposition?

16 A Yes.

17 Q Okay. Have you reviewed
18 Mr. Converse's deposition transcript in
19 preparation for your deposition today?

20 A No.

21 Q Okay. Ms. Converse, did you, in
22 preparation for your deposition today,
23 listen to any recorded conversations?

24 A No.

25 Q Okay. Are you aware,

1 S. CONVERSE

2 Ms. Converse, that there is a recording of
3 a conversation that you provided to the
4 Lea County Sheriff's Office back in
5 January of 2020?

6 A Yes.

7 Q Okay. Did you listen to that
8 recording?

9 A No.

10 Q Ms. Converse, how long did you
11 live at 3910 Preserve Way?

12 A I don't know.

13 Q Okay. Was it longer than a
14 year?

15 A Yes.

16 Q Okay. Would you have been
17 living at 39 Preserve Way on or about
18 December 8, 2019?

19 A Yes.

20 Q Okay. And it's my understanding
21 that on December 8, 2019, there was a fire
22 at 442 Flower Avenue East, Watertown, New
23 York; is that correct?

24 A Yes.

25 Q Okay. So if I used the phrase,

1 S. CONVERSE

2 "date of fire" or "date of loss," we'll
3 have an understanding that the date was
4 December 8, 2019. Okay?

5 A Yes.

6 Q Okay. Ms. Converse, the
7 property located at 442 Flower Avenue,
8 when did you purchase that property?

9 A November of 2012.

10 Q Okay. And I know you gave a lot
11 of this testimony at the examination under
12 oath. So I'm going to try not to repeat
13 my questions, but some of these are just,
14 you know, some foundation for what
15 follows. Okay. November of 2012, did you
16 purchase that property with anyone?

17 A Yes.

18 Q And who was that?

19 A Richard Stephen Converse.

20 Q Okay. And at the time, was
21 there a mortgage taken out on the
22 property?

23 A Yes.

24 Q Okay. Was Richard a co-borrower
25 on the mortgage?

1 S. CONVERSE

2 A No. Well, we purchased it
3 together.

4 Q Okay. Was there -- do you know
5 if he was on the application for the
6 mortgage to finance the property, if you
7 know?

8 A I don't know.

9 Q Okay. Do you recall if
10 Mr. Converse -- well, withdrawn. Did you
11 put down a down payment prior to
12 purchasing the property, if you recall?

13 A Three and a half percent.

14 Q Okay. Do you recall if
15 Mr. Converse contributed any money toward
16 the down payment?

17 A I can't recall.

18 Q Okay. Do you recall if
19 Mr. Converse contributed any money towards
20 any of the closing costs that may have
21 been incurred when you purchased the
22 property?

23 MR. MCCARTHY: Form. You can answer
24 if you understand.

25 A I don't recall.

1 S. CONVERSE

2 Q What was the -- do you recall in
3 2012 why you purchased the property?

4 A More as an investment, to live
5 in, and Richard's intentions were to move
6 back and work from Watertown. So we
7 purchased it together to live in and an
8 investment.

9 Q Okay. Was there any -- did the
10 two of you have any contract or agreement
11 with respect to who would be responsible
12 financially for the property?

13 A No.

14 Q Did you have an understanding
15 with Richard when the property was
16 purchased who would be responsible for
17 paying the mortgage?

18 MR. MCCARTHY: Form. You can answer.

19 A What was the question?

20 Q Sure. Who was responsible for
21 paying the mortgage when it was first
22 purchased in 2012?

23 MR. MCCARTHY: Form. You can answer.

24 A We never -- I mean, I told them
25 that I would pay the mortgage, and he

1 S. CONVERSE

2 would help if he had to.

3 Q Okay. Did you pay the mortgage
4 during the time, let's say, between
5 November of 2012 and the date of the fire?

6 A Yes.

7 Q Okay. Did Richard, if you
8 recall, ever contribute financially toward
9 the payment of the mortgage between that
10 time period?

11 A Yes.

12 Q And how much did he contribute
13 toward the payment of the mortgage?

14 MR. MCCARTHY: Form. You can answer.

15 A \$5,000 I believe.

16 Q And when was that?

17 A 2019, around --

18 Q When you look down,
19 Ms. Converse, are you reading from
20 something?

21 A No, I'm looking at my cell
22 phone.

23 Q Okay. And you believe you
24 recall Richard giving you \$5,000 in 2019?

25 A Yes.

1 S. CONVERSE

2 Q Okay. Do you recall what month
3 he provided you with that money?

4 A I don't.

5 Q Okay. And was that by check,
6 cash, electronic transfer, something else?

7 A Electronic transfer.

8 Q Okay. And did you owe \$5,000
9 towards the mortgage at that time?

10 A No.

11 Q Okay. So was a portion of the
12 \$5,000 to be used for the mortgage?

13 A Yes.

14 Q Okay. How much?

15 A The mortgage payment.

16 Q Okay. So whatever that amount
17 was -- let's say, \$1,000, just
18 hypothetically. If it was \$1,000, that's
19 what would be used out of the 5,000 to pay
20 the mortgage?

21 A I used some to pay the utilities
22 as well to keep the --

23 Q Okay. What about -- go ahead.

24 A To keep the water and the
25 electricity on.

1 S. CONVERSE

2 Q Okay. What about the rest of
3 the money?

4 A I used to help towards my rent
5 at Preserve Way.

6 Q So between November of 2012 and
7 December 8th of 2019, Mr. Converse
8 contributed toward the payment of the
9 mortgage on one occasion sometime in 2019;
10 is that correct?

11 A Yes.

12 Q Okay. And also the payment of
13 the utilities I guess; correct?

14 A Yes.

15 Q Did you -- was that a loan from
16 Mr. Converse to you?

17 MR. MCCARTHY: Object to the form.
18 You can answer.

19 A I don't remember. I don't
20 believe I've borrowed money from Rich
21 before, and he knew I needed money to pay
22 the mortgage and utilities. I have not
23 paid him back.

24 Q Do you intend to pay him back?

25 A When we sold the house, I

1 S. CONVERSE

2 planned on reimbursing Richard if he
3 wanted it, but he told me he didn't want
4 it. So that would have -- be a
5 conversation between us.

6 Q Okay. When you borrowed the
7 money in 2019, there was no agreement at
8 that time with regard to the repayment of
9 the \$5,000; correct?

10 A Correct.

11 Q Okay. Ms. Converse, it's my
12 understanding -- and please correct me if
13 I'm wrong -- that after the fire, the
14 mortgage was paid in full; correct?

15 A Yes.

16 Q Okay. Have you received a
17 satisfaction of the mortgage from the
18 bank?

19 A Yes.

20 Q Ms. Converse, after -- well, at
21 some point, were you made aware that State
22 Farm had issued payments to the bank to
23 pay its interest in the property?

24 A Can you repeat that?

25 Q Sure. At some point, State Farm

1 S. CONVERSE

2 made a payment to the bank; correct?

3 A Yeah.

4 Q Okay. And there may have been
5 actually more than one payment, but after
6 the payments were issued, the mortgage was
7 satisfied; correct?

8 A Correct.

9 Q Okay. Did you ever reach out to
10 the bank to request that, rather than
11 satisfy the mortgage, those funds be used
12 to repair the property?

13 A No.

14 Q And why is that?

15 A I just wanted the mortgage paid
16 off.

17 Q Okay. Currently, Ms. Converse,
18 the property is still in a fire damaged
19 condition; is that correct?

20 A Yes.

21 Q Okay. Since the date of the
22 fire of December 8, 2019, have you or
23 anyone on your behalf done anything to
24 repair any of the fire damage?

25 A Please specify.

1 S. CONVERSE

2 Q Sure. Well, have you retained
3 anybody to do any work with the house to
4 fix any of the fire damage?

5 A Not to fix the fire damage, but
6 I hired somebody to go in and board up the
7 house and make it to where we can try and
8 save it. And nobody goes in there, per
9 State Farm's request.

10 Q Okay. Somebody went in there
11 and boarded up the house then; yes?

12 A Yes.

13 Q Okay. And that was, I believe,
14 a relative of yours; is that correct?

15 A Yes.

16 Q Okay. So since the property has
17 been boarded up though, there's been no
18 other work done to begin to repair some of
19 the fire damage; is that fair?

20 A I'm not sure what they did
21 there.

22 Q Okay. Have you been inside the
23 house since December 8, 2019?

24 A Yes.

25 Q Okay. Have you been to the

1 S. CONVERSE

2 house since it's been boarded up?

3 A Yes.

4 Q Okay. So what, if anything,
5 have you observed about the condition of
6 the property since the last time you were
7 there, just in terms of its repair?

8 A Well, I mean, they didn't put
9 new windows and new carpet. I mean, they
10 made it stable to exactly what Julio had
11 requested to be done to have -- to secure
12 the place. Was walls ripped out? No.
13 Nothing was taken out. Nothing was -- no
14 new windows or new flooring or anything.

15 Q Okay. That was my question. It
16 wasn't a trick question. It was just
17 what's been done to --

18 A It was tricky.

19 Q -- if anything, what's been done
20 to fix the place. That's it. If
21 nothing's been done, you can just say,
22 "Nothing's been done." Have you retained
23 anyone -- a contractor, a general
24 contractor -- to begin to repair the
25 property?

1 S. CONVERSE

2 A I don't understand your
3 question.

4 Q Do you have any intention of
5 fixing this property?

6 A Yes.

7 Q Okay. Have you retained anybody
8 to begin that process of repairing the
9 home?

10 A I did not retain anybody. No
11 money down, but I got quotes.

12 Q Okay. The quotes would be for
13 the repair of the property, for the --
14 withdrawn. The quotes are from
15 contractors to fix the place or something
16 else?

17 A Contractors to fix it and
18 contractors to tear it down.

19 Q Okay. Do you have copies of the
20 estimates you received to fix the place?

21 A I don't know. I'd have to look.
22 That was a long time ago.

23 Q Do you recall any of the names
24 of the persons who you received estimates
25 from?

1 S. CONVERSE

2 A I don't.

3 Q And you also obtained estimates
4 to tear the place down; is that correct?

5 A Correct.

6 Q Okay. Did you, yourself, obtain
7 those estimates with regard to the
8 demolition of the property?

9 A No.

10 Q Okay. Who obtained those if you
11 know?

12 A My father.

13 Q Okay. Do you know why he
14 obtained estimates to demolish the
15 building?

16 A Yeah, because I live in Florida,
17 and the property is in New York. And he
18 has -- he knows a lot of people, and I
19 needed somebody to help me find someone.

20 Q Have you been directed by the
21 town to demolish the home?

22 A Not that I'm aware of.

23 Q So if you're not being directed
24 to demolish the home by the town, do you
25 know why your father obtained estimates

1 S. CONVERSE

2 for its demolition?

3 A Because it's a total loss, and I
4 was told that it couldn't be rebuilt. It
5 couldn't be salvageable.

6 Q Who told you it was a total
7 loss?

8 A I can't remember. Julio, I
9 believe.

10 Q But it's your intention -- and
11 correct me if I'm wrong -- not to demolish
12 the home but to repair it; correct?

13 A It was my intention.

14 Q Has your intention changed?

15 A Yes, because I was told it's a
16 total loss, and it -- you can't save it.

17 Q Okay. I would call for the
18 production of any estimates that you may
19 have received or correspondence with
20 contractors with regard to the repair of
21 the property at 442 Flower Avenue East
22 from the date of loss through today, and
23 I'll put my request in writing.

24 MR. MCCARTHY: Okay.

25 BY MR. WELCH:

1 S. CONVERSE

2 Q Ms. Converse, have you put a
3 deposit down or retained anyone to
4 demolish the home?

5 A No.

6 Q Prior to the fire, Ms. Converse,
7 did you -- were the taxes and insurance
8 paid out of the mortgage payment?

9 A Yes, they were escrowed in.

10 Q Okay. And prior to the fire,
11 Ms. Converse, on December 8, 2019, was the
12 property rented out to tenants?

13 A Yes.

14 Q Okay. And how many floors was
15 the property?

16 A Well, there's a basement. I
17 don't know if you're going to count that
18 as a floor, but there's two floors.

19 Q Okay. And was there a tenant on
20 the second floor?

21 A Yes.

22 Q And was there a tenant on the
23 first floor?

24 A Yes.

25 Q Okay. And the tenant on the

1 S. CONVERSE

2 first floor, what was his or her name?

3 A Traci Rayburn.

4 Q Okay. And the tenant on the
5 second floor, his or her name, please?

6 A Larkin Harvey and Ariana
7 Lawylor.

8 Q Okay. And did you have a
9 written lease agreement with Traci Rayburn
10 prior to the fire?

11 A I don't believe so.

12 Q What about with Larkin Harvey?
13 Did you have a written lease agreement
14 with her?

15 A I did.

16 Q Okay. I would just call for the
17 production of any lease agreements between
18 the tenants, to the extent they have not
19 already been provided.

20 MR. MCCARTHY: Okay.

21 BY MR. WELCH:

22 Q And that lease agreement, was it
23 still in place -- meaning, was the term of
24 the lease still in place -- at the time of
25 the fire?

1 S. CONVERSE

2 A Yes.

3 Q Okay. Did you consider Traci
4 Rayburn to be a month-to-month tenant?

5 A Yes.

6 Q It's my understanding,
7 Ms. Converse -- and please correct me if
8 I'm wrong -- that prior to the fire,
9 Ms. Rayburn had stopped paying rent; is
10 that correct?

11 A Yes.

12 Q When was the last month, if you
13 recall, she stopped paying rent?

14 A I don't recall.

15 Q Do you recall how many months
16 behind she was as of the date of the fire?

17 A I don't recall.

18 Q Prior to the fire, Ms. Converse,
19 when the tenants were paying rent, would
20 that be paid to you?

21 A Yes.

22 Q Okay. Meaning, either given to
23 you or paid into an account that you
24 controlled; is that correct?

25 A It was mostly my business

1 S. CONVERSE

2 account.

3 Q Okay. And were you the sole
4 owner of the business account?

5 A Yes, with Richard as my
6 beneficiary.

7 Q Richard was a beneficiary of
8 your business account?

9 A He was a beneficiary of my life
10 insurance policy, which everything that I
11 have goes to him.

12 Q Okay. Let's just focus on the
13 business account. Was that account
14 through a particular bank?

15 A Northern Federal Credit Union.

16 Q Okay. And was that account
17 controlled by you?

18 A Myself and my property manager.

19 Q Okay. Was Richard a signatory
20 on that bank account?

21 A I can't remember if I put him on
22 or not, but there was -- when he let me
23 borrow the money, and he electronically
24 transferred it, I used that account, which
25 was Bank of America, to pay the mortgage

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2 for the house. So there were mortgage
3 payments that came out of my personal
4 account that was not through my business
5 account.

6 Q Okay. Is the -- your personal
7 account, is that owned by you,
8 individually?

9 A At the time, it was owned by
10 myself and Michael Rogers.

11 Q Okay. So it was not owned by
12 Richard; correct?

13 A Correct.

14 Q Okay. And the funds that you
15 used to pay your mortgage would be drawn
16 from an account that Richard did not own
17 or control; correct?

18 A Define that.

19 Q Okay. Ms. Converse, you would
20 pay the mortgage; correct?

21 A Yes.

22 Q Okay. And that would be out of
23 an account, either a checking or savings
24 account, that you controlled; yes?

25 A Yes.

1 S. CONVERSE

2 Q Okay. Richard's name was not on
3 that account; correct?

4 A It was not on that account.

5 Q And when the tenants would pay
6 you their share of the rent, it would be
7 deposited into an account that you
8 controlled, not Richard; correct?

9 A Correct.

10 Q Okay. Ms. Converse, you had
11 earlier testified that in preparation for
12 your deposition today, you reviewed
13 certain house listings; correct?

14 A Yes.

15 Q Okay. And those would be
16 listings for the sale of 442 Flower
17 Avenue; yes?

18 A Yes.

19 Q Okay. Prior to -- well,
20 withdrawn. Did you have any conversations
21 with Richard prior to the date of the fire
22 where you advised him or discussed with
23 him putting the property up for sale?

24 A Yes.

25 Q What was discussed?

1 S. CONVERSE

2 A Just that I was living in
3 Florida. It was hard for me to maintain,
4 and he got married and started having
5 kids. And he -- we figured we would sell
6 the property and just split the equity and
7 wash our hands and be done with it.

8 Q This was a conversation the two
9 of you had together?

10 A Yes.

11 Q Okay. And he agreed at that
12 time to sell the property.

13 A Yes.

14 Q Okay. Did you and he discuss
15 the amount that you would put it up for
16 sale for?

17 A No, I don't believe so.

18 Q Okay. Did you discuss who you
19 would use, if anyone, to be broker?

20 A I can't remember if we discussed
21 that.

22 Q Do you recall if Mr. Converse
23 signed any broker agreements?

24 A I don't know. I don't recall.

25 Q Did you sign any agreements with

1 S. CONVERSE

2 any brokers to list a property for sale?

3 A Yes.

4 Q Okay. Prior to the date of the
5 fire, Ms. Converse, had the property been
6 listed for sale on more than one occasion?

7 A Yes.

8 Q Okay. How many occasions in all
9 had it been listed for sale?

10 A Well, please define that.
11 Because I had it listed on Craigslist for
12 rent, and on Craigslist, I put on there I
13 would be willing to sell it. But it was
14 listed for rent.

15 Q Okay. So putting that one aside
16 then, did you sign more than one agreement
17 with a broker to list the home for sale
18 prior to the date of the fire?

19 A I don't recall. I can't
20 remember.

21 Q Okay. Ms. Converse, prior to
22 the date of the fire, would you include
23 the rental income you would receive from
24 the property on your personal income
25 taxes?

1 S. CONVERSE

2 A I'm sorry. What was the
3 question?

4 Q Sure. Would you include the
5 rent you'd receive from 442 Flower Avenue
6 as income on your federal or state income
7 taxes?

8 A Yes.

9 Q Okay. Do you know,
10 Ms. Converse, if Richard would include the
11 income generated by the property as income
12 on his taxes?

13 A I don't -- I don't know if he
14 did or not.

15 Q The apartment -- let's just
16 stick with the first-floor apartment for
17 now. When you rented that to Traci
18 Rayburn, was it furnished when you rented
19 it?

20 A No.

21 Q Okay. Did it have appliances,
22 however?

23 A Yes.

24 Q Okay. Stove, refrigerator?

25 A Stove and refrigerator.

1 S. CONVERSE

2 Q Okay. Was there a washer and
3 dryer on the first floor?

4 A Not that I --

5 Q If you know.

6 A Not that I put there. If she
7 had some, then it was on her.

8 Q Okay. No, let's just stick with
9 things that you, as the landlord or the
10 owner of the property, may have installed
11 in the first floor. That's all I'm really
12 looking at to understand --

13 A I know. I know, but I just
14 don't need the -- need it twisted around.

15 Q Nothing's getting twisted
16 around.

17 A Okay.

18 Q Okay. So it was rented -- the
19 first-floor unit was rented with a
20 refrigerator and a stove; yes?

21 A Yes.

22 Q Okay. Any other appliances?

23 A No.

24 Q Okay. No furniture; yes?

25 A Yes.

1 S. CONVERSE

2 Q Okay. And second-floor
3 apartment, was it also rented unfurnished?

4 A Unfurnished with a stove and
5 refrigerator.

6 Q Okay. So it had appliances, but
7 not furniture; correct?

8 A Correct.

9 Q Okay. And the same thing, you
10 indicated a stove and a refrigerator; yes?

11 A Yes.

12 Q Okay. And as far as you know,
13 there was no washer and dryer present, or
14 at least, you did not have one in that
15 unit; correct?

16 A Correct.

17 Q Okay. Was there a washer or
18 dryer provided in the building for the
19 tenants?

20 A I can't remember if the washer
21 and dryer in the basement were from the
22 tenants or from Michael's ex-wife when she
23 lived there.

24 Q Were the tenants -- so at some
25 point then, Michael's ex-wife lived in the

1 S. CONVERSE

2 property and may have installed a washer
3 and dryer in the basement; is that
4 correct?

5 A Yes.

6 Q Okay. And then this person left
7 the property and left the washer and
8 dryer; correct?

9 A Yes.

10 Q Okay. And if it wasn't removed,
11 they could have been used for the tenants;
12 correct?

13 A Correct. There was things that
14 her and her boyfriend did around the
15 property. Because they were living there,
16 and we had an agreement about child
17 support with her living there.

18 Q Okay. So aside from the washer
19 and dryer that were in the basement, the
20 appliances you've already mentioned, did
21 either of the apartments come with any
22 other furnishings or property as a part of
23 the rental?

24 A No. A snowblower and a
25 lawnmower.

1 S. CONVERSE

2 Q Okay. The snowblower you're
3 referring to, where was that located prior
4 to the fire, if you know?

5 A I don't know. I wasn't there.

6 Q The lawnmower, where was that
7 located prior to the fire, if you know?

8 A I don't know.

9 Q Do you know if either one or
10 both of those items were damaged as a
11 result of the fire?

12 A I -- I don't know. I didn't
13 look at them when I was up there. I ...

14 Q Okay. Ms. Converse, I'm going
15 to show you some exhibits that were
16 previously marked at the deposition of
17 Richard Converse, and I'll have a few
18 questions for you. Can you see my screen?

19 A Yes.

20 Q Okay. And I'll represent to you
21 that this is a copy of the complaint -- I
22 can make it a little bit bigger if you
23 need it -- that was filed in this case by
24 you and Mr. Converse against State Farm
25 Fire & Casualty Company. Just generally

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2 -- and I can scroll through it, so you can
3 see what it looks like -- have you seen
4 this document before?

5 (Exhibit RC0001 was previously
6 marked for identification.)

7 A Not that exact one.

8 Q Okay. You've seen a version of
9 this then, this complaint?

10 A Yes.

11 Q Okay. And do you recall if you
12 read this complaint prior to it being
13 filed?

14 A I can't remember if it was
15 before or after.

16 Q Okay. Do you recall when you
17 read it, noting if there were any
18 inaccuracies in it?

19 A I can't recall.

20 Q Okay. Just going through this
21 document -- we won't go through every
22 allegation here. But the first paragraph
23 indicates that "at all times relevant
24 hereto, Plaintiffs Richard Converse and
25 Stephanie Converse are joint homeowners of

1 S. CONVERSE

2 442 Flower Avenue East, Watertown, New
3 York 13601." Do you see that allegation?

4 A Yes.

5 Q Okay. And that is correct, you
6 were both joint owners of the property
7 prior to the fire?

8 A Yes.

9 Q Okay. I'm jumping down to
10 paragraph ten. It says, "On October 31,
11 2019, Plaintiffs renewed their homeowners'
12 insurance policy through Defendants for
13 Plaintiff's property at 442 Flower Avenue
14 East." Do you see that allegation?

15 A Yes.

16 Q Okay. And again, you already
17 testified that the insurance was paid for
18 through the mortgage -- was escrowed
19 through mortgage; correct?

20 A Yes.

21 Q Okay. Paragraph 11, "The
22 property is owned and operated by both
23 Plaintiffs as an apartment complex, where
24 Plaintiffs are landlords." Do you see
25 that? Do you see that allegation?

1 S. CONVERSE

2 A Yes.

3 Q Okay. Was Richard a landlord?

4 MR. MCCARTHY: Form. You can answer
5 if you understand.

6 A Did he collect money and pay
7 some of the bills directly? No. But did
8 he have every action and has gone over to
9 the property to -- if he needed to? He
10 had full access, and he was able to talk
11 to the tenants as well.

12 Q Okay. And now it indicates,
13 "For all times relevant in this action,
14 Stephanie Converse has been primarily
15 responsible for the property management
16 obligations at the property." Just with
17 respect to that allegation, is that
18 accurate?

19 A I owned a property management
20 company. That's -- that was my line of
21 business, so yes, I took care of it.

22 Q Okay. So as the person
23 primarily responsible for the property
24 management of the property, if the
25 tenants, prior to the fire, had any

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2 complaints, they would bring those to you;
3 correct?

4 A I had a property manager that
5 started taking over, so they took the
6 complaints to her.

7 Q Okay. And that property manager
8 worked for you?

9 A No, she did not.

10 Q Who did she work for?

11 A Herself.

12 Q You owned a property management
13 company; is that correct?

14 A Yes.

15 Q And you employed a property
16 manager or no?

17 A She used to work for me, Ginny
18 Frattali. I moved to Florida, and I got
19 rid of my business. I couldn't get good
20 tenants in there, and she took my book of
21 business with her.

22 Q So if a tenant, prior to the
23 fire, had a complaint -- and let's just
24 stick with November of 2019. If a tenant
25 had a complaint, right, who would they go

1 S. CONVERSE

2 to? You, the property manager, somebody
3 else?

4 A I -- they would take it to her,
5 and then she would bring it to me. And
6 then I would discuss it with Richard.

7 Q Okay. What would be -- well,
8 withdrawn. Did you -- what was this
9 woman's name?

10 A Ginny Frattali.

11 Q Ginny. And would you pay
12 Ms. Frattali for her services?

13 A Yes.

14 Q Okay. And would she be paid by
15 you out of one of your personal accounts
16 or a business account or something else?

17 A She would take it out of the
18 rents.

19 Q Would she do that at your
20 direction?

21 A Yes, I told her to.

22 Q Okay. Okay. Paragraph 18 says,
23 "Following the extinguishing of the blaze,
24 the Watertown Fire Department issued a
25 report that demonstrated that the cause of

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2 the ignition was a cigarette that was
3 inadvertently thrown in the trash. The
4 report went on to confirm that the cause
5 of the ignition was unintentional, and
6 when asked if there were human factors
7 contributing to ignition, the report
8 stated that there were none." And then it
9 says, "A copy of the fire report is
10 attached hereto as Exhibit B." Do you see
11 that allegation, Ms. Converse?

12 A Yes.

13 Q Are you familiar with the fire
14 report that is referred to in this
15 allegation?

16 A I just found out about it.

17 Q Okay. I don't want to know any
18 conversations you may have had with your
19 counsel. Okay? So if that's what you're
20 referring to, then I won't ask any further
21 questions about that. Just, were you
22 aware of whether or not the fire
23 department had issued more than one fire
24 report? Just aware of it.

25 A No.

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2 Q Okay. Have you seen a copy of
3 the fire marshal's -- any supplemental
4 report by the marshal?

5 A No. And when did that fire
6 report change again?

7 Q We'll look at it. I'll show you
8 a copy of it together. Okay. And
9 paragraph 20, I'm just going to read this
10 to you. It says, "As is required by
11 Plaintiffs' insurance claim with
12 Defendant, Plaintiffs began cooperating
13 with Defendants on December 11, 2019, to
14 assist in Defendant's investigation of
15 Plaintiffs' claim. Plaintiffs'
16 cooperation included a December 11, 2019,
17 interview with Defendant's agent Julio
18 Loarca regarding the claim." Do you see
19 that paragraph, Ms. Converse?

20 A Yes.

21 Q Okay. This indicates that you
22 had an interview with Julio Loarca on or
23 about December 11, 2019; correct?

24 A Correct.

25 Q Okay. Do you recall giving that

1 S. CONVERSE

2 interview to Mr. Loarca?

3 A Yes.

4 Q Okay. Do you recall if that
5 interview was recorded?

6 A Yes.

7 Q Okay. Paragraph 22,
8 Ms. Converse, reads, "Prior to the
9 examination under oath, Plaintiff
10 Stephanie Converse retained legal counsel,
11 who, among other tasks, assisted in the
12 production of the information contained in
13 the 'proof of loss' for the fire." Do you
14 see that allegation, Ms. Converse?

15 A Yes.

16 Q Who was the -- do you know who
17 the attorney is that's being referenced
18 here?

19 A Eric Schwartz.

20 Q Okay. When did you retain
21 Mr. Schwartz if you recall?

22 A January 2nd.

23 Q That would have been January 2nd
24 of 2020?

25 A Yes.

1 S. CONVERSE

2 Q Okay. Was that also the date
3 that you gave a statement to the Lea
4 County Sheriff's Office?

5 A Yes.

6 Q And Mr. Schwartz assisted in the
7 production of information contained in the
8 quote, "proof of loss," unquote, for the
9 fire; is that correct?

10 A Yes.

11 Q Okay. Now, Ms. Converse, after
12 State Farm issued payment to the bank, the
13 mortgage holder here, did you owe the bank
14 any more money on the mortgage?

15 A After State Farm paid them off?

16 Q Yeah.

17 A No.

18 Q Okay. Paragraph 30 reads,
19 "Under the terms of the insurance policy,
20 Plaintiffs are entitled to the fair market
21 value of the property at the time of loss,
22 less any payoff to the mortgage lender.
23 Upon information and belief, the fair
24 market value of the property as of
25 December 19, 2019, was \$150,000; however,

1 S. CONVERSE

2 the exact value, and thus Plaintiffs'
3 damages, should be determined upon inquest
4 by this Court." Okay. Do you see that
5 paragraph, Ms. Converse?

6 A Yes.

7 Q Do you know how that fair market
8 value was arrived at of \$150,000?

9 MR. MCCARTHY: I'll object to the
10 form and -- yeah, just I'll object to the
11 form. You can answer if you know the
12 answer to how that came up.

13 A I -- I can't answer that.

14 Q Okay. Have you, Ms. Converse,
15 reviewed your policy of insurance with
16 State Farm?

17 A I can't remember if I did after
18 the fire or not. I know that I reached
19 out to State Farm and asked for a copy of
20 it.

21 Q Okay. But you don't recall if
22 you reviewed it, a copy?

23 A I didn't verbatim, but I skimmed
24 through it.

25 Q After the fire?

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2 A Correct.

3 Q Okay. Okay. Paragraph 31 says,
4 "Plaintiffs utilized the location for two
5 apartments, both of which were occupied by
6 tenants at the time of the fire. The
7 tenants paid \$900 and \$850 per month
8 respectively, resulting in \$19,250 in loss
9 of use of rental income annually." Okay.
10 Which tenant was paying \$900 a month?

11 A Downstairs.

12 Q Okay. So that would be Traci
13 Rayburn?

14 A Yes.

15 Q Okay. And she was the
16 month-to-month tenant that had stopped
17 paying rent a few months before the fire;
18 correct?

19 A Yes.

20 Q Okay. And the 850 then, that
21 would be for Larkin Harvey?

22 A Yes.

23 Q Okay. Was she up to date as of
24 the date of the fire?

25 A Yes.

1 S. CONVERSE

2 Q Okay. Paragraph 32 reads,
3 "Additionally, Plaintiffs lost a
4 substantial amount of personal property in
5 the fire, which included, among other
6 things, furniture and appliances for both
7 apartments, washers and dryers in each
8 apartment, as well as a snowblower that
9 could not be recovered from the fire."
10 Just that first sentence, Ms. Converse,
11 based on your testimony today, it's my
12 understanding that there was no furniture
13 of yours or Richard's lost in the fire;
14 correct?

15 A There was not furniture in the
16 apartments, but I still had stuff in the
17 basement.

18 Q Okay. What stuff did you have
19 in the basement that was furniture?

20 A Personal property. I can't
21 remember exactly what it was, 'cause I
22 moved out years and -- way before that.

23 Q Are you making a claim in
24 connection with this litigation for damage
25 to some furniture in the basement?

1 S. CONVERSE

2 A Yes.

3 Q Okay. Can you specify exactly
4 what was damaged?

5 A What was the question?

6 Q Sure. You had indicated -- I
7 can repeat it -- that prior to moving out,
8 you had, I guess, at some point stored
9 some personal belongings in the basement.
10 Can you give me a list of furniture at
11 least that was yours that may have been
12 damaged after the fire in the basement?

13 A I can't give you exactly.

14 Q Okay. Since the date of the
15 fire until today, Ms. Converse, have you
16 prepared a list of any of your personal
17 property that may have been damaged as a
18 result of the fire?

19 A I was the one that listed the
20 snowblower and the washer and dryers and
21 some of the furniture, but I can't
22 remember exactly with the furniture.
23 Because my boyfriend's ex-wife lived
24 there, and I took off some of the rent for
25 her putting the washer and dryers there.

1 S. CONVERSE

2 Q Okay. Let's just stick to the
3 furniture. Do you recall what furniture
4 is being referred to in paragraph 32 that
5 was damaged as a result of the fire, that
6 you're making a claim for in this
7 litigation?

8 A I had a table and chairs. There
9 was, I believe, a bookcase and end tables.

10 Q Okay. And were these items
11 damaged as a result of the fire?

12 A Yes, they were in the basement.

13 Q Okay. And have you made a list
14 of these items, like a written list of
15 these items?

16 A I would have to look through my
17 e-mails to see if I did.

18 Q Okay. When did you last live at
19 442 Flower Avenue?

20 A I can't remember.

21 Q Well, you were living in
22 Preserve Way in 2019; correct?

23 A Yes.

24 Q Okay. Did you live in New York
25 in 2019 at all?

1 S. CONVERSE

2 A No.

3 Q Did you live in New York in
4 2018?

5 A No.

6 Q Did you live in New York in
7 2017?

8 A I'm -- for a little time, yes.

9 Q Okay. Would these items that
10 you're referring to, the table and chairs,
11 bookcase, and end tables, have been placed
12 in the basement prior to you leaving New
13 York for Florida?

14 A Yes.

15 Q Paragraph 32 references
16 appliances for both apartments, which
17 we've already discussed. It also says,
18 "washers and dryers in each apartment."
19 Based on your earlier testimony,
20 Ms. Converse, it's my understanding that
21 there were no washers and dryers in the
22 apartments; correct?

23 A There's no washer and dryer
24 hookups in Larkin Harvey's apartment, so
25 they're -- the washer and dryers were in

1 S. CONVERSE

2 the basement for that one. In Traci's
3 apartment, there was a washer and dryer.
4 She had hookups, and there was a washer
5 and dryer in there.

6 Q Okay. But those would have been
7 hers, not yours.

8 A I can't -- were they mine? I
9 think they were mine, because the tenant
10 that lived there prior to Traci, I took
11 money off rent in -- in agreement -- what
12 was it? Yeah, I took money off rent for
13 her to have a washer and dryer in there.

14 Q Okay. Do you know if she had
15 one or not, a washer and dryer? Only if
16 you know. If you don't know, you can just
17 say you don't know. It's okay.

18 A I don't know.

19 Q All right. Have you prepared,
20 in connection with this litigation, a
21 specific list of the personal property
22 items you are claiming, together with
23 their values?

24 A I had sent my attorney a list of
25 some stuff that was in there.

1 S. CONVERSE

2 Q Do you know if that list had
3 values attached to it?

4 A I believe so.

5 MR. WELCH: Okay. I would just call
6 for the production of any lists or
7 itemization of Ms. Converse's contents
8 claim with valuations that are being
9 sought in connection with this litigation.
10 I'll put my request in writing.

11 MR. MCCARTHY: Yes, yes. And I think
12 you said it, but please put it in writing.
13 But yes.

14 MR. WELCH: Sure, yep.

15 THE WITNESS: May we please have a
16 break?

17 MR. WELCH: Oh, of course. Yeah.
18 Want to take -- I don't know -- five-ten
19 minutes to use the restroom?

20 MR. MCCARTHY: Okay.

21 THE WITNESS: Yeah, like ten minutes.
22 Thanks.

23 MR. WELCH: Sure.

24 THE REPORTER: We are off the record
25 at 11:11.

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2 (Off the record.)

3 THE REPORTER: We are back on the
4 record at 11:22 a.m.

5 BY MR. WELCH:

6 Q Okay. I'm going to be taking
7 down the complaint and bringing up what's
8 been previously marked as RC0001. The
9 complaint was actually -- I mean, excuse
10 me. The complaint was RC0001. The is
11 going to be RC0002, and I would like to
12 show this to you, Ms. Converse, and ask
13 you if you recognize it. The top of the
14 second page states, "Warranty Deed," and
15 it says, "This indenture, made February
16 21, 2021, between Stephanie Converse and
17 Richard Converse and SJ Converse Realty,
18 LLC." Do you see this document?

19 (Exhibit RC0002 was previously
20 marked for identification.)

21 A I do.

22 Q Do you know what it is?

23 A Yes.

24 Q What is it?

25 A It's -- I transferred the

1 S. CONVERSE

2 property over into my business account.

3 Q And did Richard also transfer
4 his ownership interest in the property
5 into your business account?

6 MR. MCCARTHY: Object to the form,
7 but you can answer.

8 A I -- can you ...

9 Q Sure. I'll rephrase. This is a
10 deed -- it looks like -- between you and
11 Richard as grantors, and SJ Converse
12 Realty LLC as grantee. Do you see that?

13 A Yes.

14 Q Okay. Do you know what that
15 means?

16 A Yeah.

17 Q What does it mean?

18 A Richard and I transferred the
19 property into my business account.

20 Q Okay. SJ Converse Realty LLC,
21 is that a company that you own?

22 A Yes.

23 Q Okay. Is Richard an owner of
24 that company?

25 A No.

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2 Q Okay. Are there any other
3 owners of the company?

4 A No.

5 Q Okay. Do you know -- so as of
6 February 21, 2021, Richard is no longer an
7 owner of the property; correct?

8 A No. It's my company.

9 Q Right. Your company, SJ
10 Converse Realty, own 442 Flower Avenue;
11 correct?

12 A Correct.

13 Q Okay. Do you know why Richard
14 agreed to transfer his ownership interest
15 into your company, SJ Converse Realty?

16 A We both wanted to.

17 Q Do you know why he wanted to?
18 Or I'll withdraw the question. Why did
19 you want to transfer the property from
20 both of your ownership to SJ Converse
21 Realty?

22 A We both wanted to transfer it,
23 'cause we didn't want a burnt house in our
24 name sitting there for years like it has
25 been.

1 S. CONVERSE

2 Q Okay. Did you pay Richard
3 anything for his interest in the property,
4 to transfer his interest in the property
5 to you?

6 A No.

7 Q Okay. Does SJ Converse Realty
8 LLC own any other properties?

9 A No.

10 Q Do you know if -- does SJ
11 Converse Realty have insurance on the
12 property?

13 A Now?

14 Q Yes.

15 A No.

16 Q All right. I'll close out that
17 document. Ms. Converse, I'd like to show
18 you what was previously marked at the
19 deposition of Richard Converse as RC0004.
20 This is an eight-page document, and I
21 would like to show you portions of it.
22 First of all, do you recognize what's
23 being shown here as RC0004? And this is
24 page two. I'll show you page three. This
25 is page four, five, six. Looks like seven

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2 and then the eighth page. Do you
3 recognize this document?

4 (Exhibit RC0004 was previously
5 marked for identification.)

6 A Yes.

7 Q Okay. And is this a copy of the
8 fire report with regard to the fire at 442
9 Flower Avenue?

10 A Yes.

11 Q Okay. And it looks like this
12 report notes that the date of the fire is
13 December 8, 2019. Do you see that at the
14 top here?

15 A Yes.

16 Q Okay. And it looks like under
17 date and time, section E-1, it looks like
18 there is a notation for the alarm as
19 having been received at 12:48 p.m. Do you
20 see that?

21 A Yes.

22 Q Okay. Do you recall -- well, do
23 you know what time the fire started? I'll
24 withdraw. Let me ask you this. Do you
25 know what time the fire was observed at

1 S. CONVERSE

2 the property? First observed.

3 A It was in the morning, 'cause I
4 was coming back from brunch with
5 coworkers.

6 Q Okay. And taking a look at --
7 excuse me. I'm going to show you page
8 three of eight. There is a section,
9 section Like, labeled "Remarks." And on
10 the notation for October 13, 2020, the
11 report reads, "The cause of the fire was
12 changed to reflect the findings of the
13 investigation team. The original fire
14 report had the fire listed as
15 unintentional with a cigarette as the
16 ignition source. While this cannot be
17 ruled out, it also cannot be confirmed.
18 Our office was also provided with evidence
19 that brings in other possible scenarios."
20 Do you see that paragraph, Ms. Converse?

21 A Yes.

22 Q Have you seen this document
23 before? Or withdrawn. Have you seen that
24 particular paragraph from the fire report
25 before?

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2 A Our offices was also provided
3 with evidence that brings in other
4 possible scenarios. That one?

5 Q Just this paragraph that starts
6 with the date of October 13, 2020, right
7 through the end where it says, "BC Michael
8 Kellogg." Have you seen that particular
9 part --

10 A I have not.

11 Q Okay.

12 A So that's when he revised it was
13 on October 13th of 2020?

14 Q I do not know. I'm only
15 wondering if you had seen it before
16 yourself.

17 A I have not seen it, but I think
18 it's such a coincidence that it got
19 changed without my knowledge. And in that
20 very same week, I submitted a complaint to
21 New York State against State Farm, and
22 then just all the sudden a week later, the
23 fire report changes.

24 Q Okay. It sounds like you're
25 just speculating. Do you have any

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2 information as you sit there today that
3 State Farm contacted the fire marshal and
4 had this report altered in some way?

5 A I don't know if he --

6 MR. MCCARTHY: Form. You can answer.

7 THE WITNESS: I don't know if he
8 contacted them directly, but I do know
9 that Julio Loarca went to the fire
10 department and spoke to one of the
11 gentlemen.

12 BY MR. WELCH:

13 Q Okay. That wasn't my question.
14 My question was, do you know -- as you sit
15 there today where you are, do you have any
16 evidence that State Farm reached out to
17 the fire marshal and had them alter this
18 report on or about October 13, 2020? It's
19 a yes or no question.

20 A Give me a minute to think.

21 Q Sure.

22 A Do you mind if I go back through
23 my e-mails?

24 Q You'd have to produce them if
25 you want to look at it. Do you have a --

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2 my question to you is, do you have any
3 recollection without looking at your prior
4 e-mails, whether or not you have evidence
5 that would support your statement that you
6 believe -- withdrawn. Do you have any
7 evidence without looking at these e-mails
8 you want to refer to that State Farm
9 reached out to the fire marshal on or
10 about October 13, 2020, and had this
11 report altered?

12 A I have something, but I'd -- I
13 can't remember exactly what it is. So I
14 can't give you an exact answer. I would
15 have to send you the documents.

16 Q Okay. So you'd have to look at
17 your e-mails to be able to substantiate
18 what you believe to be a communication
19 between State Farm and the fire marshal
20 around this time?

21 A Yes.

22 Q Okay. Do you know -- only if
23 you know -- what -- where this paragraph
24 reads, "Our office was also provided with
25 evidence that brings in other possible

1 S. CONVERSE

2 scenarios." Do you know what that refers
3 to?

4 A The letter?

5 Q Okay. What letter is that?

6 A It was a written letter that I
7 had put inside Joe's birthday card.

8 Q Okay. And Joe, would that be
9 Joe Pelton?

10 A Yes.

11 Q And the letter, would that be a
12 letter that you wrote to Joe, asking him
13 to set your house on fire?

14 MR. MCCARTHY: Form.

15 A It was a letter that I wrote
16 when I was intoxicated. I know I
17 shouldn't have written it.

18 Q And do you know what the
19 substance of that letter was that you
20 wrote when you were intoxicated?

21 A I do --

22 MR. MCCARTHY: Form. You can answer.

23 THE WITNESS: I do, because I went
24 under both with Mr. Mura, and he showed me
25 the documentation, as well as the sheriffs

1 S. CONVERSE

2 did.

3 BY MR. WELCH:

4 Q Okay. When you say, "the
5 sheriffs did," are you referring to the
6 Lea County Sheriff's Office?

7 A Yes, sir.

8 Q Okay. They showed you a copy of
9 the letter?

10 A Yes.

11 Q Okay. And this was at the time
12 that they took a statement from you; is
13 that correct? Or some other time?

14 A At the time they took the
15 statement on January 2, 2020.

16 Q Okay. Ms. Converse, when the
17 Lea County Sheriff's Office took a
18 statement from you on January 2, 2020,
19 were you intoxicated at that time?

20 A I was not.

21 Q Okay. When Mr. Loarca took your
22 recorded statement after the fire, were
23 you intoxicated when you gave that
24 statement?

25 A I can't remember.

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2 Q Okay. Ms. Converse, showing you
3 what was previously marked at the
4 deposition of Richard Converse as Exhibit
5 RC0003. Is this a copy of the letter that
6 you are referring to?

7 (Exhibit RC0003 was previously
8 marked for identification.)

9 A Yes.

10 Q Did you discuss this letter with
11 Richard after his deposition?

12 A Yes.

13 Q And did he ask you why you wrote
14 this letter?

15 A Yes.

16 Q Did you tell him?

17 A Yes.

18 Q Prior to his deposition,
19 Ms. Converse, had you ever told Richard
20 that you had sent this letter to Joe
21 Pelton?

22 A I told him I sent him a birthday
23 card.

24 Q Okay. Did you tell him that the
25 birthday card included a letter?

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2 A I can't remember if I did or
3 not.

4 Q Did Mr. Converse express
5 surprise to you after his deposition that
6 you had sent this letter to Joe Pelton?

7 A Yeah.

8 Q Okay. So, Ms. Converse, based
9 on your testimony, it's my understanding
10 -- and please correct me if I'm wrong --
11 that this copy of this letter, was it
12 folded into a birthday card or something?

13 A Yes.

14 Q Okay. This particular letter
15 doesn't actually say the words, "Happy
16 Birthday" on it. Would you agree with
17 that?

18 A Yes.

19 Q Okay. Now here, Ms. Converse,
20 this letter states, "Joe, how have you
21 been? I miss you. Hope all is well and
22 you're doing good. Having issues with my
23 house again. Need help this time. I will
24 pay you 5,000 cash when I get the
25 insurance. The back door will be unlocked

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2 and open to the basement. That's where
3 the access to utilities are. Tuesday and
4 Wednesday are good during day. Make look
5 like electrical. I will come up after it
6 happens, so I will meet up with you.
7 Property is at" -- it looks like it's cut
8 off, but I believe it says -- "442 & 444
9 Flower Avenue East. It's a mint green
10 house with garage. Love you. See you
11 soon. Stephanie." Okay. Is that your
12 signature on this letter?

13 A Yes.

14 Q Okay. Prior -- well, and my
15 understanding is that this letter was sent
16 on or about October -- excuse me -- on or
17 about November 8, 2019. Is that your
18 recollection of when the letter was sent?

19 A I can't remember when I sent it.

20 Q Okay. Do you recall in November
21 of 2019, assuming that's when it was sent
22 given the postmark on it, whether or not,
23 as of that time, you had plans to come to
24 New York?

25 A I did have plans to come to New

1 S. CONVERSE

2 York prior to that.

3 Q Okay. And what was the purpose
4 of your -- what was going to be the
5 purpose of your trip to New York?

6 A I was going in February to
7 surprise my mother for her birthday on
8 February 20th, which I did.

9 Q Okay. As of -- you mean you
10 traveled to New York in February?

11 A Yes, 'cause I wanted to do my
12 EUO in person, but Mura insisted we did it
13 in Florida.

14 Q Oh, he insisted on that. Is
15 that your testimony?

16 A It's not my testimony, it is.

17 Q Okay. And this trip you had
18 planned for February, when were you
19 supposed to come up? Well, withdrawn.
20 Were you supposed to fly, drive? How were
21 you going to get to New York?

22 A I was flying. My father bought
23 the ticket -- bought my ticket.

24 Q Okay. Do you recall when your
25 father purchased that ticket?

1 S. CONVERSE

2 A I cannot recall.

3 Q Okay. Do you know if he -- did
4 he send you a flight confirmation after he
5 purchased it?

6 A I have it somewhere.

7 MR. WELCH: Okay. I'm going to call
8 for the production of any e-mails or other
9 communications by and between Ms. Converse
10 and her father -- or really the airline --
11 with regard to the flight confirmation and
12 flight that was to have been taken or that
13 she actually did take in February of 2020.
14 And I'll put my request in writing.

15 BY MR. WELCH:

16 Q But you don't know when he
17 actually purchased that ticket; correct?

18 A I can't recall.

19 Q Okay. Was there any other
20 reason why you were intending to come to
21 New York in February of 2020?

22 A No, I was coming up to surprise
23 my mother for her birthday, 'cause I
24 hadn't been home in a while.

25 Q Okay. It was not your intention

1 S. CONVERSE

2 to come up to New York to pay Mr. Pelton
3 for setting your house on fire?

4 A No, that was not my intention,
5 and I didn't even see Joe or talk to him
6 when I was even up there.

7 Q Okay. Because this letter that
8 was sent to Mr. Pelton suggests that
9 you're going to "come up after it happens"
10 -- I'm assuming that means the fire -- and
11 meet up with him at that time. Would you
12 agree with that statement, that's what the
13 letter suggests?

14 A That's what it says in the
15 letter.

16 Q Okay. And here, this letter
17 indicates that you would have given him
18 \$5,000 out of the insurance proceeds;
19 correct?

20 A That's what it shows, yes.

21 Q Okay. Ms. Converse, after you
22 sent this letter to Mr. Pelton -- and
23 again, the postmark is dated November 8,
24 2019, did you have conversations with him
25 on the phone with regard to what you

1 S. CONVERSE

2 requested in this letter?

3 A Before or after?

4 Q After the letter was sent, did
5 you have conversations with Mr. Pelton
6 with regard to what you're requesting he
7 do in this letter?

8 A That happened so long ago, I --
9 I can't remember times of when I've talked
10 to him.

11 Q So you don't know if you've
12 spoke to him on the phone after you sent
13 the letter, following up with regard to
14 its contents?

15 A I can't remember.

16 Q Do you recall, Ms. Converse,
17 whether or not you told the detectives
18 from the Lea County Sheriff's Office that
19 you had two phone calls with him after
20 this letter was sent and prior to the
21 fire?

22 A I remember -- I recall telling
23 them that I talked to him after the fire
24 to make sure he didn't do it.

25 Q Do you recall telling them that

1 S. CONVERSE

2 you had conversations with him after you
3 sent this letter, asking him to do it?

4 MR. MCCARTHY: Form. You can answer
5 if you understand.

6 A I don't recall.

7 Q Okay. So you only recall the
8 conversation you had after the fire,
9 asking him if he -- well, withdrawn. Did
10 you call him after the fire, asking him if
11 he did do it?

12 A I called him crying after the
13 fire. I don't know how I worded it with
14 him. I'm pretty sure I said, "Please tell
15 me it wasn't you. Please tell me you
16 didn't do it."

17 Q Do you recall if you spoke to
18 him on the day of the fire or sometime
19 after that?

20 A I can't recall. At the day of
21 the fire, I was -- like I mentioned
22 earlier, I was at brunch with coworkers,
23 and we were having mimosas at brunch.

24 Q And you don't know if you spoke
25 to him on the day of the fire or sometime

1 S. CONVERSE

2 after that day?

3 A I can't recall. I don't know.

4 I was in --

5 Q Okay. When you -- go ahead.

6 You can finish.

7 A I was in a little bit of shock
8 when I found out. I was coming back from
9 brunch, and I had to pull over and -- the
10 time --

11 Q Were you in shock at that time,
12 because you weren't sure whether or not
13 her actually did it?

14 A That didn't even come across my
15 mind one bit. My shock was more towards
16 the tenants and people getting hurt. I
17 wanted to make sure everybody was okay.

18 Q Did the thought ever cross your
19 mind, Ms. Converse, after you heard of the
20 fire, that Mr. Pelton was the one who set
21 the house on fire?

22 A Not once.

23 Q Not once, despite the fact that
24 you sent him this letter, asking him to do
25 it?

1 S. CONVERSE

2 A Yeah, because I don't remember
3 writing that letter. And I know I should
4 have mentioned it before. There was a lot
5 of things that I don't remember and a lot
6 of things that I regret. I ended up
7 seeking help and counseling for my
8 addiction, so ...

9 MR. WELCH: Okay. I'm going to move
10 to strike that portion of the testimony.
11 It's not responsive to my questions.

12 BY MR. WELCH:

13 Q Okay. Ms. Converse, on the day
14 of the fire, did you believe -- or
15 withdrawn. After you first heard of the
16 fire, did you believe that one of your
17 tenants may have been responsible?

18 A I thought the downstairs tenant,
19 Traci, did it.

20 Q Okay. And you thought Traci did
21 it, despite the fact that this letter had
22 been sent to Mr. Pelton, asking him to do
23 it; is that correct?

24 MR. MCCARTHY: Form. You can answer.

25 A Please rephrase that.

1 S. CONVERSE

2 Q Sure. You acknowledge that
3 there was this letter that was sent to
4 Mr. Pelton, asking him to set the fire;
5 correct?

6 A I don't remember sending it, so
7 I can't say that I acknowledge remembering
8 sending it.

9 Q Okay. So you don't remember
10 sending the letter, and you also don't
11 remember calling him after you sent the
12 letter to him but prior to the fire; is
13 that correct?

14 MR. MCCARTHY: Form.

15 BY MR. WELCH:

16 Q You can answer.

17 A That's correct.

18 Q Ms. Converse, if you don't
19 recall sending Mr. Pelton the letter --
20 well, withdrawn. You do recall speaking
21 to Mr. Pelton after the fire; correct?

22 A Yes.

23 Q Why would you speak to him after
24 the fire if you didn't recall sending him
25 this letter about setting the fire?

1 S. CONVERSE

2 A Because when Joe lived down here
3 in Florida, he lived with me, and we would
4 joke about it once in a while.

5 Q So based on your prior
6 conversations with Joe when he used to
7 live with you about -- well, withdrawn.
8 I'm sorry. You were joking around with
9 Joe about setting the house on fire when
10 he used to live with you in Florida?

11 A Yeah, it's in my -- it should be
12 in the report with the sheriffs as well.

13 Q Okay. This is something you
14 would joke about, setting a house on fire?

15 MR. MCCARTHY: Form. Let's just -- I
16 mean --

17 MR. WELCH: That's what I'm asking --

18 MR. MCCARTHY: -- she answered the
19 question.

20 BY MR. WELCH:

21 Q Go ahead. You can answer.

22 A Well, it's like when you're mad
23 at somebody, you say, "Oh, I -- I just
24 want to kill you" or "I could kill you."
25 Doesn't mean you're going to go out and

1 S. CONVERSE

2 kill them; right? So I was upset with the
3 tenant not paying me rent, and it was
4 basically -- it would be a joke.

5 Q Okay. But based on these prior
6 conversations where you were just joking
7 with Mr. Pelton about setting the house on
8 fire, you felt as though you should call
9 him afterward to, what, find out if he did
10 it or not?

11 MR. MCCARTHY: Form.

12 A I don't know why I called him.

13 Q Withdraw. Why did you call
14 Mr. Pelton --

15 MR. MCCARTHY: She already testified
16 to the conversation that she had
17 afterwards.

18 BY MR. WELCH:

19 Q Why did you call Mr. Pelton
20 after the fire?

21 A I don't know. He's friends --
22 really good friends with Michael.

23 Q Ms. Converse, do you have
24 Mr. Pelton's cell phone number?

25 A I -- right -- right now?

1 S. CONVERSE

2 Q Sure.

3 A I don't know. I'd have to look
4 through my phone.

5 MR. WELCH: Okay. Well, I'm going to
6 ask that a space be left in the
7 transcript, and for Ms. Converse to put in
8 Mr. Pelton's cell phone number.

9 BY MR. WELCH:

10 Q Ms. Converse, do you know if
11 Mr. Pelton has the same cell phone number
12 today that he had back in 2019?

13 A I don't know.

14 Q Okay. To the extent that you
15 have one or more phone numbers, I'd ask
16 that you provide them all in the space
17 that'll be provided in the transcript.
18 Okay? Thank you. Ms. Converse, prior to
19 -- well, withdrawn. Do you know how your
20 father paid for the plane tickets? Was it
21 through a credit card, debit card,
22 something else?

23 A Credit or debit card.

24 Q And was that a trip that was
25 just for you, or were other people going

1 S. CONVERSE

2 to come with you?

3 A My son was coming with me.

4 Q And did your father buy him a
5 ticket as well?

6 A Wait. Did Keegan come? I can't
7 remember if my son came or not for that
8 trip.

9 Q Okay. After the trip that you
10 came up for your mother's birthday in
11 February, when was the next time you came
12 up to New York after that?

13 A I can't remember. I don't think
14 it was until -- I can't remember.

15 Q Okay. Since you moved to
16 Florida in or about 2017 up until the date
17 of the fire, had you been back to New York
18 to visit?

19 A From 2017 when I moved?

20 Q Yes.

21 A Up until the fire?

22 Q Yes.

23 A Yes.

24 Q Okay. How many times did you
25 come up to New York during that period of

1 S. CONVERSE

2 time if you recall?

3 A I can't remember.

4 Q Okay. Ms. Converse, showing you
5 what was previously marked at
6 Mr. Converse's deposition as RC0005. It's
7 a copy of an exclusive right to sell
8 contract. Do you see this document?

9 (Exhibit RC0005 was previously
10 marked for identification.)

11 A Yes.

12 Q Okay. Do you recognize it?

13 A Yes.

14 Q Okay. Is it a copy of a right
15 to sell contract that was assigned by you?

16 A Yes.

17 Q Okay. Taking a look at the
18 bottom, Ms. Converse, do you see that
19 there's a signature that appears next to
20 the date of June 5, 2019?

21 A Yes.

22 Q Is that your signature?

23 A It looks like a scribble, but I
24 know I signed it.

25 Q Okay. Do you have any reason to

1 S. CONVERSE

2 believe that you did not sign this
3 document?

4 A No.

5 Q Okay. Now there's another space
6 for a second owner's signature. Do you
7 see that as blank?

8 A Yes.

9 Q Do you know why Richard was not
10 asked to sign this exclusive right to sell
11 contract as a co-owner of the property?

12 MR. MCCARTHY: Form. You can answer
13 if you understand.

14 A He didn't sign it, because he
15 was not asked to by Jason Smith.

16 Q Okay. Did you ask him to sign
17 it, given that he was a co-owner of the
18 property?

19 A I did not.

20 Q Ms. Converse, the attorney that
21 you retained, Eric Schwartz, in January of
22 2020, was he also the attorney who
23 represented you at your examination under
24 oath?

25 A Yes.

1 S. CONVERSE

2 Q Is Mr. Schwartz -- do you know,
3 is he based in Florida or New York or
4 somewhere else?

5 A New York.

6 Q Okay. Was there a reason,
7 Ms. Converse, why you wanted to have your
8 examination under oath conducted in New
9 York as opposed to where you live in
10 Florida?

11 A I was going up there anyways,
12 'cause my dad bought me the ticket. So I
13 figured it'd be easier to just do it up
14 there and get it done over sooner than
15 later.

16 Q Okay. Did you convey that to
17 Mr. Mura, your request --

18 A It was --

19 Q -- conduct it in New York as
20 opposed to Florida?

21 A It was discussed to my attorney.
22 Mura wouldn't talk to me, because I
23 retained a lawyer.

24 Q So those conversations, to your
25 knowledge, were had between your attorney

1 S. CONVERSE

2 and Mr. Mura; is that correct?

3 A Yes.

4 Q Okay. And that would be
5 conversations with regard to where the
6 examination under oath would be held; is
7 that correct?

8 A Correct.

9 Q Okay.

10 A And then Mura changed the date
11 again.

12 Q Do you know why the date was
13 changed?

14 A Because he's got a property in
15 Sarasota, and maybe he wanted to stay in
16 Sarasota longer. I don't know.

17 Q You said, "maybe." Do you have
18 any knowledge -- and it's okay if you
19 don't -- why that date was changed, if it
20 was changed?

21 A I believe -- there's knowledge
22 somewhere. I can't remember if it's in an
23 e-mail where they stated that Mura had to
24 change the date to a later date. It's
25 somewhere that I have with my attorney --

1 S. CONVERSE

2 my then attorney.

3 Q But you retained Mr. Schwartz
4 for the purpose of assisting you with
5 responding to the examination under oath
6 and request for documents; is that
7 correct?

8 A Please repeat that.

9 Q Sure. You retained Mr. Schwartz
10 to represent you in connection with the
11 examination under oath; correct?

12 A No, I retained Mr. Schwartz in
13 regards to the Lea County Sheriff's
14 Department --

15 Q Oh, I see.

16 A -- under the investigation.
17 Because when Lea County Sheriff's
18 Department came into my work office, they
19 threatened all of my coworkers, because I
20 was out at an appointment getting --
21 signing a deal and said if anybody
22 contacted me, they would all be under
23 arrest. And then he proceeded to go into
24 my boss's office and tell my boss that
25 they have evidence, and I'm going to be

1 S. CONVERSE

2 locked away for 30 years. And then after
3 my --

4 Q So you're giving this statement
5 in response to my question, "Did you
6 retain Mr. Schwartz in connection with
7 your EUO?"

8 A No.

9 Q Your answer is no. Okay. Did
10 you retain Mr. Schwartz in connection with
11 the potential criminal investigation
12 against you?

13 A Correct.

14 Q Okay. And was that criminal
15 investigation, do you know, with regard to
16 potential solicitation of arson?

17 MR. MCCARTHY: Form, but you can
18 answer.

19 A I -- yeah, because they showed
20 me the letter. The Sheriff's Department
21 showed me the letter, and I was shocked.

22 Q Do you recall telling the --
23 well, you haven't listened to the
24 statement you gave to the Lea County
25 Sheriff's Office; is that correct?

1 S. CONVERSE

2 A I have not.

3 Q Why not?

4 A 'Cause I don't have it.

5 Q Do you recall when you spoke to
6 the Lea County Sheriff's Office and after
7 they allegedly showed you this letter,
8 that you told them you didn't recall
9 writing it, because you were intoxicated?

10 A That is correct.

11 Q Okay. You specifically told the
12 Lea County Sheriff's Office that you were
13 intoxicated when you wrote the letter.

14 A Correct.

15 Q Okay. And you didn't recall
16 sending the letter; is that correct?

17 A I can't remember.

18 Q Okay. You can't remember if you
19 told the detectives that?

20 A I can't -- yeah, I can't
21 remember if I told them that, or if I
22 actually remembered sending the letter.

23 Q Okay. You think you may have
24 remembered sending the letter when you
25 spoke to the detectives?

1 S. CONVERSE

2 MR. MCCARTHY: Is this a question
3 about her recollection at the time she
4 spoke with the detective or her
5 recollection now?

6 MR. WELCH: I'm asking her if she
7 recollects telling the detectives that she
8 sent the letter.

9 THE WITNESS: I told them I sent the
10 letter, but -- or I told them after they
11 showed me. I said, "Yeah, I must have
12 sent it." I don't -- I don't recall my
13 conversation with the Lea County Sheriff's
14 Department. You know, it's -- you come
15 back from the holidays, and you get a
16 knock at the door in the conference room
17 when you're all hyped up and excited about
18 selling a deal. And you have two guys
19 that -- I was scared. I didn't know what
20 to do, and they were telling me I was
21 going to lose my son. And they were
22 threatening, so I was under a lot of
23 pressure and scared.

24 BY MR. WELCH:

25 Q Did you tell them the truth?

1 S. CONVERSE

2 A Of course I told them the truth,
3 as I recalled at the time. And they had
4 already spoken with Joe, and they already
5 confiscated his phone. So ...

6 Q Okay. Ms. Converse, I'd like to
7 show you what's been marked as SC0001, and
8 I'll represent to you it's a copy of a
9 proposal we received, I believe, from your
10 counsel. Although, I'm not entirely sure.
11 I think it was part of a production, and
12 it looks like it's from Independent
13 Commercial Contractors Inc. to you. Do
14 you see this proposal?

15 (Exhibit SC0001 was marked for
16 identification.)

17 A Correct, yes.

18 Q Okay. And the amount is
19 \$48,000. Do you see that?

20 A Yes.

21 Q Okay. And the scope of work
22 says, "Demolition and cleanup of 442
23 Flower Avenue East, Watertown, New York."
24 Do you see that?

25 A Yes.

1 S. CONVERSE

2 Q Okay. Is this a proposal that
3 you received?

4 A Yes.

5 Q Okay. And it's my understanding
6 that you have not retained this particular
7 company to do this work; correct?

8 A Correct.

9 Q Okay. Okay. Ms. Converse, I'm
10 showing you what's been marked as SC0002,
11 and it appears to be an estimate from B&T
12 Construction & Masonry. And it looks
13 like, under the description, it says,
14 "Demo entire structure and dispose of
15 materials at regional landfill." And this
16 one is in the amount of \$71,268. Do you
17 see that?

18 (Exhibit SC0002 was marked for
19 identification.)

20 A Yes.

21 Q Is this the copy of an estimate
22 or proposal that you obtained?

23 A Yes.

24 Q Okay. And it's my understanding
25 that you have not accepted this proposal;

1 S. CONVERSE

2 correct?

3 A Correct.

4 Q Okay. Aside from these two
5 estimates for the demolition cost, have
6 you received any other estimates for
7 demolition?

8 A No.

9 Q Okay. Ms. Converse, who is
10 Judge Renzi?

11 A He's a judge in Watertown.

12 Q Do you know him?

13 A I do.

14 Q Do you know him personally?

15 A Not -- no, not really.

16 Q Do you know him only in his
17 capacity as a judge?

18 A Correct.

19 Q Okay. Do you and he text?

20 A No.

21 Q Okay. Ms. Converse, showing you
22 what's been previously marked as SC0003.

23 I'll represent to you it's a copy of a
24 text message communication. It was
25 received as a part of a subpoena response

1 S. CONVERSE

2 from the Watertown Police Department. It
3 has been provided to your counsel. And
4 this particular document appears to be an
5 image that shows the name Stephanie
6 Converse. It looks like the time is 12:35
7 p.m. on December 8th, and the body -- it
8 looks like it's a text message from Judge
9 Renzi. Do you see that?

10 (Exhibit SC0003 was marked for
11 identification.)

12 A Mm-hmm.

13 Q Yes?

14 A Yes.

15 Q Do you recall sending an e-mail
16 or -- excuse me -- a text message from
17 Judge Renzi to Traci Rayburn on the date
18 of the fire?

19 A Yes, I do.

20 Q Okay. And how did you come
21 about sending this -- well, withdrawn.
22 Did you create the name Judge Renzi and
23 send it from your contacts?

24 A Yep.

25 Q Yes? Okay. And what was the

1 S. CONVERSE

2 purpose of doing that?

3 A Because Traci told me that she
4 was moving out of the house that weekend
5 -- or no, the weekend before that. And by
6 the way, it shouldn't be -- that's a
7 mistake with -- meaning "burn them in
8 court," like I told her a million times I
9 would do. I would take her to court and
10 get the -- her back rent anyways. She
11 wasn't listening to me, so I wanted to,
12 like, scare her and say -- showing that I
13 talked to somebody legal up there. And it
14 was supposed to be "burn them in court."

15 Q Okay. So this particular text
16 message was something that you created;
17 correct?

18 A That is correct.

19 Q Okay. And the top states, "If
20 you win then they will take her taxes and
21 also it will show on her credit as a lien.
22 How much she owe you?" And then it says,
23 "She owes me three months and \$250 from
24 prior month, so over \$3,000." Those two
25 texts were texts that you drafted;

1 S. CONVERSE

2 correct?

3 A Correct.

4 Q Okay. This wasn't a two-sided
5 conversation. This was just a one
6 conversation coming from you.

7 A Correct.

8 Q Okay. And then the next says,
9 "Wow and you wait this long. Burn them
10 and we'll do what we have to." Does --

11 A Yeah, 'cause the text above it
12 shows that I'm saying that I'm going to go
13 after her and have it taken out of her
14 taxes and put a lien on -- and it's going
15 to show on her credit, just like I did
16 with other tenants prior to that. And she
17 knew that the one tenant that I did the
18 same thing to, I took them to court, and I
19 sued them. And I got the money.

20 Q And where it says, "Burn them,"
21 was just an unfortunate use of the word
22 "burn"?

23 A Like, we're going to burn them
24 in court. We're going to get them.

25 Q Okay.

1 S. CONVERSE

2 A It's following up with the top
3 statement that you just read, stating
4 we're going to -- I'm going to get the
5 money out of her, and it's going to be on
6 her credit.

7 Q So you wrote, "Wow and you
8 waited this long." Meaning, this would
9 have been coming from Judge Renzi
10 presumably. "Burn them and we'll do what
11 we have to." Like he's saying to you to
12 burn them, and we'll do what we have to
13 do. Is that what --

14 A In court.

15 Q He's saying to burn them in
16 court? That was you're --

17 A Yeah, we're going to burn them
18 in court. That's -- we've always talked
19 about that. That's how I referenced,
20 "Don't worry. I'll burn you in court.
21 I'll get my money either way."

22 Q Okay. Ms. Converse, it's my
23 understanding -- and I think you've
24 already testified -- that the fire here
25 was on December 8, 2019; correct?

1 S. CONVERSE

2 A Yes.

3 Q Okay. Did you come up to New
4 York between the day of the fire and your
5 mother's birthday?

6 A I can't remember when I went up
7 there in February. I can't give you the
8 exact date.

9 Q Okay. I'm sorry. Poorly worded
10 question. The first time that you were in
11 New York after the fire was that trip you
12 took for your mother's birthday; correct?

13 A That is correct.

14 Q Okay.

15 THE WITNESS: May we have a break?

16 MR. WELCH: Absolutely. You want to
17 take another ten minutes?

18 THE WITNESS: Yeah, please.

19 MR. MCCARTHY: Yeah, ten minutes
20 should be good. Thanks.

21 MR. WELCH: Okay.

22 THE WITNESS: Thank you.

23 THE REPORTER: Okay. We are off the
24 record at 12:14.

25 (Off the record.)

1 S. CONVERSE

2 THE REPORTER: We're back on the
3 record at 12:26 p.m.

4 MR. WELCH: Just give me a second.
5 I'm trying to mark something here.

6 BY MR. WELCH:

7 Q Okay. Ms. Converse, I'd like to
8 show you what's been marked as SC0004. I
9 just want you to be able to identify this.
10 So these are copies of, I believe,
11 photographs of some text exchanges or
12 copies of text exchanges between you and
13 Traci. I'm assuming it's Traci Rayburn.
14 These were provided to us by your counsel
15 in connection with discovery. I just want
16 you to identify for the record. Is SC0004
17 -- it's a 22-page document, but I'll just,
18 kind of, scroll through it quickly. And
19 you can tell me if these are copies of
20 your text messages with Traci.

21 (Exhibit SC0004 was marked for
22 identification.)

23 A Yes.

24 Q Okay. Okay. That was it. And,
25 Ms. Converse, showing you what's been

1 S. CONVERSE

2 marked as SC0005. I'll represent to you
3 it's a copy of 2020 tax returns provided
4 to us by your counsel in connection with
5 discovery responses. Just taking a look
6 at the first page, Ms. Converse, it's 1 of
7 15. Is this, in fact, a copy of your 2020
8 tax return?

9 (Exhibit SC0005 was marked for
10 identification.)

11 A If that's what my attorney gave
12 you, then yes.

13 Q Okay. Did you file this? Do
14 you recall if it was filed?

15 A I did not file -- file it, but I
16 have an accountant that I've used.

17 Q Okay. So it's been filed.

18 A Correct.

19 Q Okay. And just taking a look,
20 if you will, I'll show you here under the
21 line number eight, it says, "Other income
22 from schedule one, line nine," and it has
23 a negative \$125,570. Do you see that?

24 A Yeah.

25 Q Okay. Do you know what that

1 S. CONVERSE

2 refers to?

3 A I do not know.

4 Q Okay. And jumping down to page
5 3 of 15, on the upper left-hand corner it
6 says, "schedule one." Do you see that?

7 A I do.

8 Q And under line eight, it says,
9 "Other income. List type and amount." It
10 says, "HSA." No, excuse me. Under line
11 four, it says, "Other gains or losses.
12 Attach form 4797." And it says the same
13 amount, 125,000. Oh, it actually has a
14 little bit different amount. This amount
15 says negative \$125,082. Do you see that?

16 A I do.

17 Q Okay. Then below that, there's
18 also an amount for rental real estate
19 royalties, and that's also a negative
20 amount of negative 3,572. Do you see
21 that?

22 A I do.

23 Q Okay. And then under line nine,
24 it says negative \$125,570. Do you see
25 that?

1 S. CONVERSE

2 A I do.

3 Q Okay. Do you have any
4 understanding of what any of those numbers
5 refer to?

6 A I don't.

7 Q Okay. Do you know if you took
8 the damage to 442 Flower Avenue as a loss
9 on your 2020 income taxes?

10 A I reached out to my accountant,
11 and I asked him if that's something --
12 because I wasn't getting any responses
13 from State Farm. So I had asked him, "Is
14 that something I can write off as --
15 because I wasn't getting the rental
16 income?" And he said, yes, I could.

17 Q Okay. Write off the value of
18 the property or the income? Both?
19 Something else?

20 A I can't remember.

21 Q Okay. So jumping down to page
22 11 of 15, it says, "Form 4797." Do you
23 see that on the upper left-hand side?

24 A I do.

25 Q Okay. And then taking a look,

1 S. CONVERSE

2 if you would, at page 13 of -- I'm sorry
3 -- 14 of 15, upper left-hand side, it
4 says, "Section B, business and
5 income-producing property. Part one,
6 casualty or theft gain or loss." Do you
7 see that?

8 A Yes.

9 Q Property A indicates, "Rental
10 property, Watertown, New York." And if
11 you take a look at line 38, it looks like,
12 combine these lines and enter the net gain
13 or loss here. And it looks like it's the
14 negative \$125,082. Do you see that?

15 A I do.

16 Q Does this appear to indicate to
17 you that your account had included a
18 casualty loss on your 2020 personal income
19 tax returns for this property?

20 A I can't answer that, because I
21 didn't do it or file it. We had
22 discussions about it, discussions as if I
23 could write it off, but I don't know what
24 he did.

25 Q Did you authorize him or give

1 S. CONVERSE

2 him your consent to file your 2020 taxes?

3 A I did.

4 Q Did you review the forms prior
5 to them being filed?

6 A I did not. I never do.

7 Q Okay. So you -- just as you sit
8 here today, you don't know whether or not
9 there was a loss taken on your 2020 taxes
10 for the value of the property?

11 A As I mentioned, we had the
12 conversation. I did not see anything
13 before it was filed, so I cannot answer
14 that question to -- however you want me
15 to.

16 Q I just want to know if you knew
17 it or not, whether or not it was a part of
18 your --

19 A Like I said, we -- we had the
20 conversation.

21 Q Okay. Well, you had the
22 conversation, but that doesn't answer the
23 question of whether or not you knew if it
24 was done or not. And you've answered,
25 "no"; correct? You don't know whether or

1 S. CONVERSE

2 not it was done.

3 A I don't know.

4 Q All right. Ms. Converse,
5 showing you -- just going back to Exhibit
6 SC0003. The time, it looks like it's
7 indicated here. It says, "Stephanie
8 Converse, 12:35 p.m., December 8th." Do
9 you see that?

10 A Yes.

11 Q Okay. Seeing the time on this
12 particular text that you sent to Traci,
13 would this indicate to you that the fire
14 happened after 12:35 p.m.?

15 MR. MCCARTHY: Form.

16 A That it happened after 12:35
17 p.m.

18 Q Yes.

19 A Well, you just showed me the
20 fire report that stated it was, like,
21 around, what, 12-something p.m.? So I
22 would --

23 Q Sometime after --

24 A So yeah, I was fighting with
25 Traci -- if -- you went through the text

1 S. CONVERSE

2 messages; correct? So you saw in there
3 where she was supposed to be out, and we
4 were arguing that morning. And I was at
5 brunch. So this was my way of trying to
6 scare her out, because she knew that I've
7 taken other tenants and had them evicted
8 through the City constable. And I got
9 their wages -- I would take -- get people
10 to get money from their wages, and it
11 would be on their credit. So I was trying
12 to scare her, and she lied to me and told
13 me she was admitted into the hospital.

14 Q Okay. But at least looking at
15 the time on this text, it looks like as
16 though it was sent prior to the fire;
17 correct? Do you agree with that?

18 A Looks like it -- yes, it looks
19 like it's been sent prior to the fire.
20 But if you look at the text after, you see
21 where I start blaming her for causing the
22 fire.

23 Q Right.

24 A Yeah, but, you know, that's not
25 brought up.

1 S. CONVERSE

2 Q Well, I understand that you were
3 looking to blame her for setting the fire,
4 but did you similarly send a text message
5 to Joey Pelton about his involvement?

6 A I don't recall.

7 Q Okay. When the police -- well,
8 withdrawn. Did the police -- did you give
9 Traci Rayburn's name to the police or fire
10 department that were investigating the
11 fire loss?

12 A I did.

13 Q Okay. And that's because you
14 had indicated to them that you had been
15 arguing, and you wanted to give them that
16 information?

17 A Yes.

18 Q Okay. And was there a reason
19 why you didn't give Joey Pelton's name to
20 the police or fire department on the day
21 of the fire?

22 A I wasn't even thinking about Joe
23 Pelton at all that day.

24 Q Let's see. I'm just going to
25 mute myself for a moment. Ms. Converse,

1 S. CONVERSE

2 I'm going to play for you a portion of a
3 recorded conversation that we obtained
4 from the Lea County Sheriff's Office
5 pursuant to a subpoena. This recording
6 has been provided to your counsel in
7 various discovery exchanges. I'm going to
8 play a portion for you and ask you some
9 questions. Okay?

10 A Yes.

11 (Audio played.)

12 Q Ms. Converse, that portion of
13 the recording I played for you, do you
14 recognize the voice on the recording?

15 A Yes.

16 Q Okay. Is that your voice on
17 that recording?

18 A Yes.

19 Q Okay. And do you recall that
20 interview being conducted on January 2,
21 2020?

22 A Yes.

23 Q Okay. And at the time, were you
24 aware that you were being recorded?

25 A Yes.

1 S. CONVERSE

2 Q Did you give your consent to
3 being recorded?

4 A Yes.

5 Q And that recording was taken at
6 your place of business; is that correct?

7 A Yes.

8 Q Okay. And I'm going to play for
9 you a portion of the recording that starts
10 at approximately -- it's a 19 minute and
11 33 second recording. I'm going to play
12 you a portion that begins around minute
13 3:02. So I'm going to go back to about 2
14 minutes and -- it looks like -- 50 seconds
15 roughly.

16 (Audio played.)

17 Ms. Converse, do you recall
18 being asked those questions by the
19 detective with regard to the letter that
20 you had sent to Mr. Pelton?

21 A I don't know what I was
22 referring to.

23 Q What do you mean?

24 A What was the question?

25 Q Sure. Do you recall providing

1 S. CONVERSE

2 this statement to the detective with
3 regard to reaching out to Mr. Pelton and
4 asking him to burn your house?

5 MR. MCCARTHY: Form. You can answer
6 if you understand.

7 A I don't understand.

8 Q Okay. Do you acknowledge that
9 you made this statement to the detectives?

10 A That -- it's my voice.

11 Q Okay. And you have not heard
12 this recording before; is that correct?

13 A I have not.

14 MR. WELCH: Okay. Just give me five
15 minutes. I'll just go through my notes
16 and see if I have anything else. Taking a
17 quick break.

18 MR. MCCARTHY: Okay. Off the record.
19 (Off the record.)

20 THE REPORTER: Back on the record at
21 12:51.

22 MR. WELCH: Okay. Ms. Converse, at
23 this time, I have no further questions for
24 you. Thank you very much for your time
25 today.

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S. CONVERSE

THE WITNESS: All right. Thank you.

THE REPORTER: Okay. Mr. Welch,
you're ordering the original transcript;
correct?

MR. WELCH: Yes, please.

THE REPORTER: Okay. We are off the
record at 12:51 p.m.

(Whereupon, at 12:51 p.m., the
proceeding was concluded.)

Stephanie Converse

Subscribed and sworn to
before me this ____ day
of _____, 20__.

Notary Public

1 CERTIFICATE OF DEPOSITION OFFICER

2 I, JENNIFER ESTEVEZ, the officer before whom the
3 foregoing proceedings were taken, do hereby certify that
4 any witness(es) in the foregoing proceedings, prior to
5 testifying, were duly sworn; that the proceedings were
6 recorded by me and thereafter reduced to typewriting by a
7 qualified transcriptionist; that said digital audio
8 recording of said proceedings are a true and accurate
9 record to the best of my knowledge, skills, and ability;
10 that I am neither counsel for, related to, nor employed by
11 any of the parties to the action in which this was taken;
12 and, further, that I am not a relative or employee of any
13 counsel or attorney employed by the parties hereto, nor
14 financially or otherwise interested in the outcome of this
15 action.

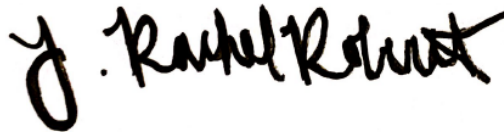
16 

17 JENNIFER ESTEVEZ

18 Notary Public in and for the
19 State of New York
20
21
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23
24
25

CERTIFICATE OF TRANSCRIBER

I, RACHEL ROBERTS, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

A handwritten signature in black ink that reads "J. Rachel Roberts". The signature is written in a cursive, flowing style.

RACHEL ROBERTS

CASE NAME: Converse, et al. v. State Farm Fire & Casualty Company
DATE OF DEPOSITION: 7/26/2022
WITNESSES' NAME: Stephanie Converse

[illegible]

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____, 20____.

MY COMMISSION EXPIRES:

[& - 850]

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New York Code

Civil Practice Law and Rules

Article 31 Disclosure, Section 3116

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